

Battle Creek City Planning Commission

Staff report for the April 27, 2011 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

Date: April 20, 2011

Subject: Proposed amendment to the Ch. 1290 Special Land Uses to permit tattoo parlors in the C-7 zoning district as a special use.

Attached is a recommendation from the Downtown Partnership to amend Chapter 1290.01(b)(28) "Special Land Uses and Development" of the Battle Creek Zoning Ordinance. The existing ordinance allows tattoo parlors in the C-3, I-1, and I-2 districts with limitations by special use permit; the proposed amendment would add the C-7 zoning district to the districts in which tattoo parlors would be permitted by special use permit.

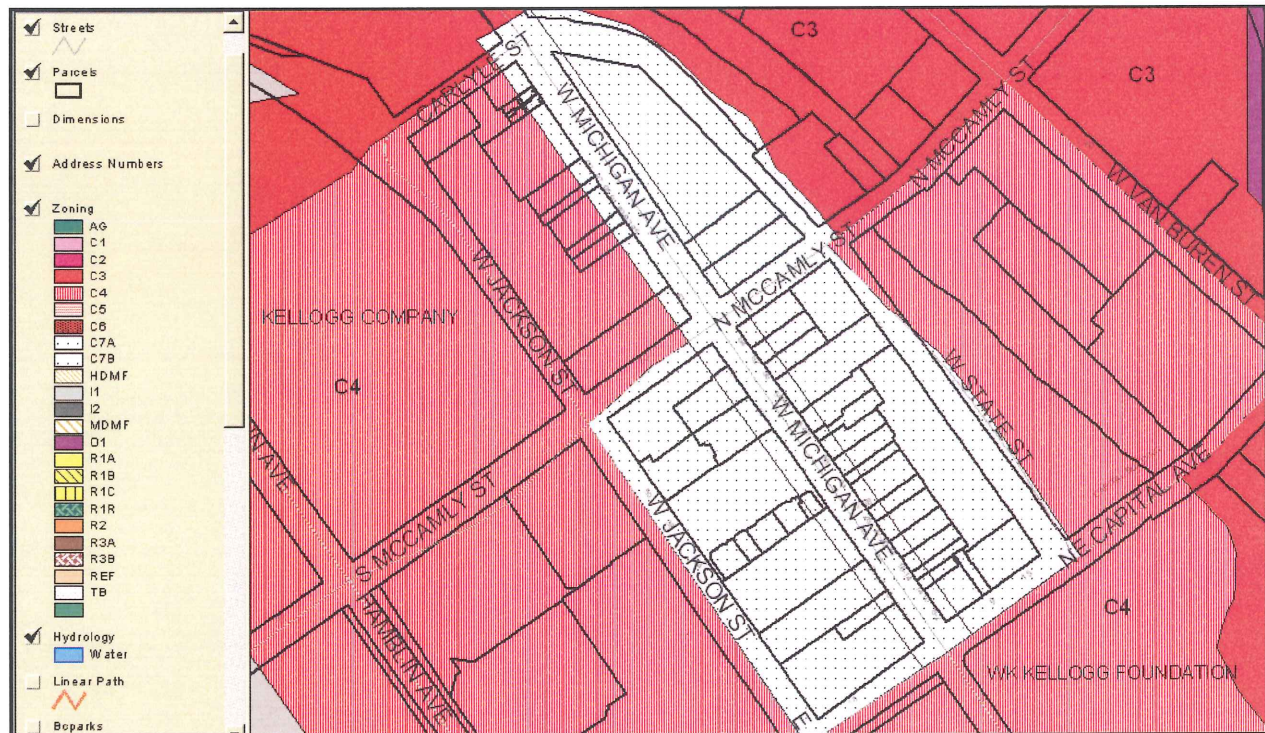
History/Background

When Ch. 1295 Adult Businesses of the Zoning Ordinance was adopted in 1987 it included language that defined tattoo parlors as an adult business. In 2001, this ordinance was amended to remove tattoo parlors and Ch. 1290 Special Land Uses was amended to permit them by right in the C-3, I-1, and I-2 zoning districts. Since this time, three requests for special use permits have come through the Planning Commission and City Commission, two of which were approved.

The permitted uses in the C-7 Street Level Retail zoning district have historically remained unchanged and include a variety of commercial, office, service, and entertainment uses. The C-7 zoning district was amended within the last year to remove the sub-districts that restricted use for the street frontage of the ground floor.

Location of district

There is only one C-7 Street Level Retail zoning district in the City; it is located in the downtown area, generally located along W. Michigan Avenue between Capital Avenue and Carlyle Street as further highlighted below in white. There are approximately thirty-five private properties in this zoning district, many containing multiple tenant spaces.



Discussion

In response to a public inquiry, planning staff and Downtown Partnership staff discussed the possibility of amending the zoning ordinance to allow for tattoo parlors downtown. As outlined in the letter of recommendation from the Downtown Partnership (attached) tattoo parlors are becoming less taboo and are considered a form of artistic and cultural expression, and as such, the issue was discussed at the March 22, 2011 Downtown Partnership meeting. The group discussed permitting tattoo parlors by right (requiring no special review/approval) as well as permitting them by special use. The Downtown Partnership agreed that tattoo parlors could contribute to a dynamic and diverse downtown and unanimously recommended to the Planning and City Commissions to amend the ordinance to allow tattoo parlors downtown as a special use.

Proposed Amendment

The proposed amendment (shown in red and underlined below) simply adds a reference to the C-7 zoning district:

- (28) Tattoo parlors as permitted uses only in C-3, C-7, I-1, and I-2 Districts, but excluding those areas so zoned within the boundaries of the Battle Creek Tax Increment Finance Authority District known as Fort Custer Industrial Park, as approved by Resolution 27, passed April 28, 1986 and amended by Resolution 388, passed September 9, 1986.

Public Hearing Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. As such, the public hearing notice was published in the Tuesday, April 7, 2011 Shoppers Guide. To date, no public comments have been received in the Planning Department.

Staff Recommendation

The master plan encourages the amendment of ordinances to permit uses that promote diverse shopping, cultural, and entertainment business in the downtown to encourage and promote the viability of the area (4-6, 4-7, 4-9). Furthermore, planning staff finds that tattoo parlors are becoming more mainstream and complement and support the current excitement and energy surrounding initiatives in the downtown, including business recruitment and relocation, streetscape improvements, and scheduled events/activities, yet permitting these uses by special use permit will allow for some oversight as to their location and operation. Therefore, planning staff recommends that the Planning Commission make a favorable recommendation of ordinance amendment adoption to the City Commission.



Battle Creek Downtown Partnership

115 W. Michigan Avenue | Battle Creek, MI-USA 49017

P 269.968.1622 | F 269.441.2274

www.downtownbattlecreek.com

April 20, 2011

Ms. Christine Hilton
Planning Supervisor
City of Battle Creek
P. O. Box 1717
City of Battle Creek, Michigan 49016-1717

Dear Christine:

The Battle Creek Zoning Code provides for the orderly arrangement of compatible buildings and land uses and for the property location of all types of uses required for the social and economic welfare of the city.

With a special use permit, tattoo parlors are permitted in C-3, I-1, and I-2 districts with the exception of Fort Custer Industrial Park. They are not permitted in the central business district, and are thus prohibited from applying for a special use permit. The resolution creating this zoning use dates back to 1986.

The Battle Creek Downtown Partnership (BCDP) recommends an ordinance change which would allow tattoo parlors in the central business district via special use permit. Tattoo parlors have evolved greatly since 1986, and now are considered a means of artistic expression. The BCDP doesn't believe tattoo parlors are detrimental to preserving the value of property in the neighborhood. To the contrary, tattoo parlors facilitate foot traffic and are an attractive element to young adults.

The use also complies with all the requirements in the Battle Creek Zoning Code for the Central Business District, which already provides for a variety of service industries otherwise not objectionable for the reasons of emission of odor, dust, smoke, gas, fumes, or noise or vibration.

Please let me know if I can answer any questions regarding this matter. Thank you.

Sincerely,

Cheryl L. Beard
Director of Commercial Development